

Article - Environment

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§7–208.

(a) With the advice of the Council, the Department shall adopt rules and regulations to carry out the provisions of this subtitle.

(b) Before adopting any rule or regulation that relates to substances governed by the Federal Insecticide, Fungicide, and Rodenticide Act, the Department shall submit the rule or regulation to the State Secretary of Agriculture for review and approval.

(c) In adopting any rule or regulation, the Department shall consider among other things:

- (1) Existing physical conditions;
- (2) The character of an affected specific area;
- (3) Zoning;
- (4) The nature of any existing receiving body of water; and

(5) The technical feasibility and economic reasonableness of measuring or reducing a particular type of water pollution.

(d) A rule or regulation under this subtitle may:

(1) Apply to pollutant and hazardous substance sources located outside this State that cause, contribute to, or threaten environmental damage in this State;

(2) Make special provisions for alert and abatement standards and procedures for occurrences or emergencies of pollution or on other short term conditions that are an acute danger to public health or to the environment;

(3) Specify different provisions as circumstances require for different:

(i) Pollutant, solid waste, and hazardous substance sources;
and

(ii) Geographical areas; or

(4) If an exemption is consistent with federal law or federal regulation, exempt persons from any requirements of this subtitle.

(e) The Department by rule or regulation, shall:

(1) Identify all hazardous substances that are controlled hazardous substances governed by this subtitle;

(2) Set standards and describe tests to identify lethal, toxic, and other injurious effects of controlled hazardous substances;

(3) Set minimum design standards for controlled hazardous substance facilities;

(4) Establish types and quantities of controlled hazardous substances that may be disposed of;

(5) Establish procedures for monitoring the generation, transportation, treatment, storage, or disposal of controlled hazardous substances;

(6) Set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any controlled hazardous substance facility;

(7) Set requirements for receiving and applying for facility permits;

(8) Set standards for determining bond values and fees under this subtitle;

(9) Set health and safety standards that relate specifically to the site of a controlled hazardous substance facility after consideration of, among other things, the following:

(i) Geology;

(ii) Seismology;

(iii) Hydrology;

(iv) Demography; and

(v) Climatology; and

(10) By June 30, 1991, adopt by regulation a revised State Hazardous Substance Response Plan that establishes standards and procedures for actions taken under §§ 7-220 and 7-222 of this subtitle.

(f) The revised State Hazardous Substance Response Plan shall at a minimum include:

(1) Methods for discovering and investigating sites at which hazardous substances have been disposed of or otherwise come to be located;

(2) Methods for evaluating any releases or threats of releases which pose substantial danger to the public health or the environment;

(3) Factors to be considered in determining the type of response action which will be implemented, including the cost of implementing, maintaining, and operating the remedy; and

(4) Methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this title.

(g) In addition to the other provisions of this section, in its rules and regulations that govern low-level nuclear waste, the Department shall:

(1) Provide for the classification of low-level nuclear wastes by radionuclide content and level of radioactivity for different storage or disposal procedures;

(2) Provide for consultation with any affected political subdivision;
and

(3) Set standards and procedures, including notice and hearing requirements, for revocation or suspension of a facility permit, a hauler certificate, or a vehicle certificate.

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